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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,261	02/25/2002	Joon-Hoo Choi	8071-12 (OPP 011059US)	7814
22150	7590	11/08/2005	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			WANG, GEORGE Y	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/083,261	Applicant(s) CHOI ET AL.	
	Examiner George Y. Wang	Art Unit 2871	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE


8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

George Wang
 Examiner AU 2871
 November 3, 2004

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. First, Applicant argues the motivation to combine Gu and Murakami. First, Applicant has no handle on the materials taught in the reference since Applicant confuses the teaching. It is the Gu reference that teaches the TFT and the Murakami that teaches the motivation to combine the a-Si:O:F. Second, Applicant asserts that Examiner's previous argument is "irrelevant" because the issue is whether using a a-Si:O:F layer to reduce band gap renders obvious its use to reduce capacitance. In response, it is noted that Applicant grossly misconstrues the issue in this case. It is not to see whether using an a-Si:O:F layer "to reduce band gap" renders obvious "reduction in capacitance." Rather, the issue is to see if an a-Si:O:F layer (with no intended function applied to it) can be combined with the TFT of Gu. In this case, it can because of the advantage of reducing band gap thickness and ultimately increases intensity ratio, improves uniformity, and maximizes color-sensing (col. 2, lines 43-48). It is clear that this is another advantage not anticipated by this combination. With respect to claim 33, Applicant argues that none of the references teach a bottom insulating layer. Again, it is noted that just because a first insulating layer has a top and bottom layer doesn't mean that the bottom layer is insulating. For instance, perhaps the combination of the top and bottom gives it properties to make it an insulating layer. But by themselves, maybe none or even one of them could be insulating. Furthermore, Applicant asserts that a semi-conductor layer does not electrically insulate and therefore cannot be considered to be an insulating layer. However, it is noted that nowhere in the claims is "electrically" insulating used. Moreover, the Ono reference clearly teaches a low dielectric and in combination with the other reference, it would have been obvious to have that material be used as a bottom layer since one would be motivated to optimize film thickness (col. 19, lines 16-64) and according to the Dohjo reference, to reduce vulnerability to the penetration of impurity ions in the transistor to prevent deterioration (col. 3, lines 6-9; col. 2, lines 39-55). Applicant has made no attempt to address the specifics of this combination. Thus, by mere suggestion that there is no teaching in the references, alone, or in combination, do not place the application in condition for allowance.


ANDREW SCHECHTER
PRIMARY EXAMINER